



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/639,055	08/15/00	BOYER	803-1050

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PM82/0713

EXAMINER

CHIN SHUE, A

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application N

09/639055

Applicant(s)

BOYER

Examiner

A. Chin-Sheer

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-23-01
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-4, 22, 23 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4, 22, 23 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4,22, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Positively limiting of the harness with respect to the shoulder level, shoulder, and back of a user, as set forth in claim 1, renders the claims indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennington in view of Cox. Dennington shows the claimed harness with the exception of the shoulder straps having resilient portions. Cox in fig.4b shows a harness having shoulder straps having resilient portions to prevent fatigue of a wearer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the shoulder straps of Dennington to comprise elastic portions as claimed to prevent fatigue of a wearer. To attach the suspender assembly of Dennington to his front left and right shoulder straps by the conventional method of sewing to enable a non-releasable attachment thereto, would have been an obvious mechanical expedient.

Applicant's arguments filed 4.23.01 have been fully considered but they are not persuasive. Applicant stated that the suspenders are not fixedly attached to the front of the straps 36,38, the examiner disagrees because elements 62 attach the suspenders 18 to the front of the straps at a fixed location on the front of the straps, with regards to claim 3, if a non-releasable attachment of the suspender to the front of the strap was desired, to attach same by the conventional non-releasable method of stitching would have been an obvious engineering expedient. With regards to Dennington and Cox, the difference to be resolved between Dennington and the claimed invention is that of the claimed portions of the shoulder straps. Cox in fig. 4b shows shoulder with the claimed portions, both Dennington and Cox are of the same field of endeavor as the claimed invention, and it is within the scope of one of ordinary skill in the art to appreciate the teachings of analogous art and art of the same field of endeavor to resolve the differences at hand, thus the combined teaching is deemed proper.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Alvin Chin-Shue at telephone number (703) 308-2475. A message can be recorded at the above number at anytime.

The fax phone number for this group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number (703) 308-2168.


Alvin Chin-Shue

Primary Examiner

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